

**MADISON COUNTY PLANNING BOARD  
MEETING MINUTES  
FEBRUARY 4, 2008**

**BOARD MEMBERS PRESENT:** Lane Adamson, Pat Bradley, Kathy Looney, John Lounsbury, Don Loyd, Dave Maddison, Eileen Pearce, Ed Ruppel, Laurie Schmidt and Ann Schwend.

**BOARD MEMBERS ABSENT:** Dorothy Davis.

**OTHERS PRESENT:** Trevor and Kerry Walter, John Anderson, Marvin Hansen, Katie Ward, Mark Mehring, Tom Sadler, Wally Bowery, Bob Sumpter, Alex Zukowski, Gay Rossow, Scott McClintic, Will Murray, Mike Ducennois, Justin Houser, Gina Sherman, Jessi Fanelli, Dan Child, Tim Hokanson and Keith Hokanson.

**MOTION:** To approve the minutes with corrections. Moved by: Laurie Schmidt, seconded by Ed Ruppel. All voted aye.

**OLD BUSINESS**

Bradley Creek Overall Development Plan and Preliminary Plat Major Subdivision, Norris.

Charity reported that the developer is not going to appeal the decision made by the County Commissioners to deny the first proposal for Bradley Creek. The developer is planning to come in with a new pre-application for the end of February meeting. His current plan is to reduce the number of lots to approximately 101 with the bulk of them to be near the highway. The 160 acre parcels will be on the west side of the creek. It was suggested that we take another field trip to the Bradley Creek site when weather conditions allow. Charity also stated that the Lower Family Ranch Subdivision will return to be considered by the County Commissioners. It may or may not return to the Planning Board, dependent upon whether or not the Commissioners decide that new information has been presented. If they decide that there is new information in the application, it will then return to the Planning Board for their consideration.

**PUBLIC MEETING AND PRELIMINARY PLAT REVIEW OF CACTUS RIDGE MINOR SUBDIVISION, Twin Bridges (Biltmore Road), Tom Sadler/Jaina Underwood, landowners.**

Jim described the project as being a 110.05 acre subdivision to be divided into two parcels, one of which would contain 32.83 acres and the other 77.22 acres. The parcels are located one-half mile west of Highway 41 between Twin Bridges and Beaverhead Rock.

Tom Sadler appeared before the board and added that the dry hydrant they are putting in would benefit many of the homes in the area in the event of a fire. He added that the new home building envelope would be under the top of the hill and not visible from Highway 41.

**Comments/Questions from the Board:**

- ✚ Would you be willing to put in a "no further lot split" in your covenants? Yes.
- ✚ Why don't neighbors have to contribute to the cost of the dry hydrant? *Sadler: It was made clear that it was my responsibility.*
- ✚ Is there iron in your well water? *Not now.*
- ✚ Do you have any covenants on this property? *No.*

**Comments/Questions from the Public:**

- ✚ The concern is that the new homesite is placed at the closest spot to our acreage. (Trevor Walter)
- ✚ Also concerned about the water quality in the Walter's well and not interested in having a barnyard that would possibly pollute that well. *There won't be a big barn on the property.*

**PLANNING BOARD RECOMMENDATIONS**

Based on the subdivision application, staff report, proposed Findings of Fact, February 4, 2008 public meeting, and subsequent review and discussion, the Planning Board recommends preliminary plat approval of the Cactus Ridge Minor Subdivision as proposed and subject to the conditions 1-12 and surveyor's notes listed below.

**[Standard conditions]**

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body.
2. A notarized declaration of "Right to Farm" and "Emergency Services Information" (Appendix T of 2000 Madison County Subdivision Regulations) must be filed with the final plat.
3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land.
4. All road and utility easements (or rights-of-way) shall be clearly shown and labeled on the final plat.
5. Future modification of any elements shown on the plat may not be made without County review and approval.

***[Additional site-specific conditions]***

6. The final plat shall include the following statement: "Prior to any construction requiring sanitation, the lot owner must first obtain a Madison County septic permit."
7. The final plat shall include a statement whereby lot owners waive their right to protest any rural improvement district (RID) designated by Madison County to protect public health and safety on roads leading to the Cactus Ridge Minor Subdivision.
8. Prior to final plat approval, Lot 2 must be assigned a temporary physical address in accordance with Madison County's rural addressing and Emergency 911 system.
9. Upon completion of road improvements, a permanent address based on the new access via Cactus Ridge Road shall be assigned to Lot 2. The permanent addresses of the existing homesite and the neighboring property will also have to be re-assigned. Individual address signs shall be erected at the driveway entrances.
10. Prior to final plat approval, the subdivision road (Cactus Ridge Road) shall be constructed by the applicant in compliance with the design standards outlined in the November 2000 Madison County Subdivision Regulations. At a minimum the road must be widened to a 20 foot driving surface and include appropriate drainage devices and a 50 foot radius cul-de-sac at the driveway entrance of Lot 2. Appropriate road signs must be installed and disturbed areas reseeded. All road maintenance, including but not limited to grading and snowplowing and removal shall be the responsibility of the landowners, not Madison County.
11. Prior to final plat approval, the applicant shall install a dry hydrant with a vehicle turnout along Biltmore Road as recommended by the Twin Bridges Fire Chief and the Madison County Road Supervision for District 2. Biltmore Road is recorded as a county public road of undetermined width. The right-of-way width, assumed to be the county default of 60 feet, is adequate to allow for the existing 24 foot wide driven surface and the hydrant with turnout. Maintenance of the hydrant shall be responsibility of the landowners, not Madison County.
12. In the event that the road, hydrant, or other required improvements are not completed prior to final plat submission, an Improvements Agreement and irrevocable Letter of Credit or equivalent guarantee shall be filed with the Board of County Commissioners prior to final plat approval. The amount of the letter of credit shall be 125% of the engineer's estimated cost for the improvements. Any letter of credit or other guarantee must cover the time period needed to complete project improvements.

**MOTION: To accept the Preliminary Plat of Cactus Ridge and recommend approval with the conditions outlined by Staff. Moved by Dave Maddison, seconded by Kathy Looney. All voted aye. Motion carried.**

**Pre-applications**

**Williams Creek Minor Subdivision, Williams Creek Road, southeast of Alder, (Gay Rossow and Scott McClintic, landowners)**

Charity introduced the project as being approximately 162.34 acres with a plan to divide the land into 5 lots. One lot is planned to contain 82.34 acres and the other four lots contain 20 acres each. Will Murray of Kirk Engineering further added that there would be strong covenants coming in with the Preliminary Plat. He explained that the land is bordered by two major ranches, Ruby Dell Ranch and Boyd Angus Ranch. He said that the owners of the proposed subdivision want to maintain the agricultural character of the land. Murray said that the owners could define more clearly the grazing plan and how to preserve the health of the land.

#### Comments/Questions from the Board

- ✚ Will you put a requirement in your covenants for downcast lighting? *Yes.*
- ✚ Will you put some guidelines in regarding the care and use of the grass and other grazing features? *We could reference NRCS guidelines.*
- ✚ What is the condition of the two-track road? *An ambulance could drive on it now.*
- ✚ Will no one live there in the winter? *Yes, they will.*
- ✚ How will you protect the health and character of Williams Creek? *There will be building envelopes and 100 foot setback and no-build zones.*
- ✚ Why are there building envelopes on some of the lots and not on others? *Because of the creek and the necessity to protect it.*
- ✚ Are the developers proposing a pond for fire protection? *No, it will be a fiberglass or concrete dry hydrant. The developers would entertain having other landowners contribute to the cost of the hydrant because it will benefit the area.*
- ✚ How much does a dry hydrant cost? *Around \$1500-\$1700.*
- ✚ There is a major east running fault zone below this property. It goes from the Ruby Range to Virginia City. (Ed Ruppel, former State of Montana Geologist)
- ✚ There is a concern about the appropriateness of this subdivision and concern about the grazing. We urge you to work with the neighbors to mitigate any potential problems arising for them. *We have met with the Andersons of Ruby Dell Ranch.*
- ✚ Will you consider a "no further subdivision" clause? *We will consider it. The covenants already state that the 20-acre parcels cannot be further divided.*

#### Comments/Questions from the Public

- ✚ John Anderson of Ruby Dell Ranch expressed concern over the grazing density and where do the wild animals go when the land is being grazed heavily. Our operation will be impacted by this subdivision.

**Ruby Rock Major Subdivision, approximately 1.5 miles north of Sheridan, off of Tuke Lane,  
(Alfred and Dixie Hokanson, landowners)**

Jim Jarvis described the proposal to be a 98 acre piece to be divided into 61 homesites and 1 commercial lot. He mentioned that the in-office geotech report illustrated the need for a professional geotechnical study to be done on the property. He also said that there had been some concern about the loss of the agricultural use of the land and loss of open space. The Town of Twin Bridges had also written of concern for their water supply and the number of wells in the subdivision impacting it. Commissioner Schulz had expressed concern over traffic impacts and said that the developer(s) should work with the county on road improvements. Wally Bowery, one of the landowner's representatives, said that they were looking into the possibility of community water and sewer. He explained that the project is targeting lower income home seekers and that modular homes would be allowed. Tuke Lane has a variety of types of homes, Bowery said. He also stated that the information about water may reveal that they need to have some shared wells. They are also investigating another access to MT Highway 287 by way of 7M4R Road.

#### Comments/Questions from the Board

- ✚ What do you have in mind for the park? *Not sure yet. Maybe (playground) equipment for kids.*
- ✚ What school district is that in? *Sheridan.*
- ✚ Have you looked into the "saleability" of these lots? *We've had several people express interest.*
- ✚ Is the road to the east of the subdivision right on the canal easement? *No, it runs along side of it.*
- ✚ Do you know what the average lot price will be? *Hopefully in the 30's.*
- ✚ What has been your test well depth? *We got water at 60 feet.*
- ✚ Will there be livestock allowed on the lots? *No.*
- ✚ Will there be water rights with this property? *No.*
- ✚ Are you limiting irrigation around the houses? *Not very much. Limited.*

- ✚ What is the management plan for the remainder of each lot? *There will be a weed plan and covenants for mowing and taking care of the land.*
- ✚ The weed potential for these lots is enormous. When you change from agricultural land to residential use, weeds can take over. We encourage you to have a weed program. Maybe you could have more density to help avoid cross contamination with septic and wells. *That might make it not very popular to buy.*
- ✚ Have you met with the local fire chief? *We haven't, but maybe Tom Henesh has.*
- ✚ The pedestrian lane is nice.
- ✚ You are creating a community and we encourage you to make it a community.
- ✚ You will be adjacent to agricultural lands. Will you have covenants dealing with dogs etc? *We may put in some chain link fencing in.*
- ✚ You will also need to do something to keep children out of the canal. *There will be building envelopes along the canal.*
- ✚ How long has the bulk plant been there? *About three years.*
- ✚ Has the bulk plant been monitored? *It has a monitoring system on it.*
- ✚ We encourage you to work with the neighbors of the property.

**Yellowstone Mountain Club, The Settlement and amended ODP, Tract A of Plat 513-BA within the Yellowstone Club, north of Yellowstone Club Trail, approximately 2 miles southwest of Meadow Village (Tim Blixeth, owner)**

Charity described the proposal as an amended ODP and said that the Blixeth residence was planned to be in this area and now will not be. Jim introduced the project as being 10 tracts consisting of 6 residential tracts/lots, 1 condominium (12 triplex) unit and 3 open space tracts. He said that Gallatin County had expressed concern about increased traffic and emergency access. They were hoping to see the access roads in the subdivision put into loops. There will be centralized water and sewer.

**Comments/Questions from the Board and Staff**

- ✚ Where are we at with the number of lots being used in accordance with the ODP? *There was a possible number of 864 units and we have used a little more than 400.*
- ✚ What are you trading? *Tim Blixeth's family compound is being traded into other uses. The original plan had density in this location. We have been encouraged by the county to keep density.*
- ✚ This does tie in well with development that is there already.
- ✚ Where are you going to show the ingress and egress for fire? *It will show on the preliminary plat.*
- ✚ Mike Ducennois of YMC: *This is going to be more of a PUD look; less disturbance.*
- ✚ How are relations between you and Big Sky Fire? *Much better.*
- ✚ Bob Sumpter, YMC: *We're getting a ladder truck and another tender. Mutual aid with Big Sky worked on a recent structural fire we had at the Yellowstone Club. We might always have a little professional tension between the two (Big Sky Fire and YMC Fire). We have too many pieces of equipment. With it we might be able to help Big Sky Fire with any big fire they may have to fight.*
- ✚ Don Loyd: *I am on Big Sky Fire and there is improving congeniality between the two fire departments.*
- ✚ What about traffic? *Seventy to 100 cars have been taken off of Hwy 191 because of the shuttle. Madison County has graciously contributed to the cost of that shuttle too. Skyline Bus and the current bus company may merge at some time.*
- ✚ Will the High School at Big Sky affect you? *No question. It is a good deal for everyone. The subject of incorporation of Big Sky is intense. The High School project had a fund raiser and raised \$1,000,000 and Tim Blixeth matched it with \$1,000,000..*
- ✚ Why is so much water information included in this proposal? *It includes the whole system. We are looking at cleaning waste water to such an extent that it can be used in snow making for the ski hill.*

**NEW BUSINESS**

**Nominating Committee Report and Election of President and Vice President**

Laurie Schmidt of the Nominating Committee reported that the current officers, Ann Schwend as President and John Lounsbury, Vice President, had agreed to serve again. In polling the members they are concurred that this was a good idea.

**MOTION: To re-elect Ann Schwend as President of the Board and John Lounsbury as Vice President for another year. Moved by Laurie Schmidt and seconded by Don Loyd. All voted aye. Motion carried.**

### **Streamside Protection Regulations**

Lane Adamson reported that there were about 60 people in attendance for the first Madison Growth Solutions forum on this topic which was held in the Ennis High School on January 30. He said that their intention to break up into small groups for discussion was kind of aborted and so they had to hand out sticky notes to get opinions written down by interested parties. Kathy Looney stated that the Board should commend the two new planners that are new to the process for doing a terrific job under difficult circumstances. Lane explained that many of the objections were based on "what if". He said that the next step will be to compile the information that has come in and plan for another forum.

### **Comments/Questions from the Board and Staff**

- + Subdivision Regulations should include any language having to do with stream setbacks.
- + Madison Growth Solutions process does not have an agenda, one way or another. They want to follow the public interest process.
- + This type of discussion is going on over all of the state. There are lots of areas concerned with this type of regulation.
- + There are approximately 40 lots along the river that will be affected by this type of regulation.
- + The conformance paragraph should be stricken out of the document.
- + There will be a variance and exemption process.
- + This is stepping into a whole new realm in Madison County. The Growth Policy is something we rely on, but has no teeth. We need to question why we exist as a board; for the community's and public's welfare? This is a step toward comprehensive, overall planning.
- + This is a function of the Growth Solutions process, not the Planning Board.
- + Most of the concern from forum was that this is a "takings issue". Perhaps "takings" and private property rights could be addressed in the next forum.
- + It would probably be accepted if this were to include only future lots, not ones in place.
- + Madison Growth Solutions had Stephanie Kruer, land use attorney, speak and address "takings" and we will probably do that again. We will address the concerns of the people. We need to address the fears of a person whose house might have burned down, and whether or not they can re-build.
- + Why couldn't there be a minimal fee? Wouldn't it take a lot of time to look at each proposal?  
*Charity-We're not expecting huge numbers to be coming in. The 10 days review period is long enough.*
- + If you don't have 500 feet, maybe the setback could be at least ½ of what you have.
- + I don't think \$500 for a fine is enough. We could require the building to be torn down.
- + There needs to be education about this ordinance. Maybe there should be signs along the river which say that building so close to the river is not acceptable.
- + Why are you just talking about buildings? How about corrals, roads etc.?
- + Where does this impact the Jefferson River? *Near Cardwell.*
- + We have an idea to have a Steering Committee and have a few volunteers so far if we want to go in that direction. It would be comprised of landowners, realtors, interested citizens, agency personnel etc.
- + Are there examples of similar documents in other areas of the State? Yes.
- + Janet Ellis of the Audubon Society is willing to help with language in the document.
- + Send in any ideas you may have.

### **Digital-Electronic Report**

Charity asked the Board if they would like to receive the reports from developers and from the office in electronic form. The majority of the members would still like to have paper copies to study. Ann and Don said that they would like to receive projects electronically.

### **Planning Board Member Reports**

Ann encouraged members to attend the "No Adverse Impact" conference at Fairmont Hot Springs. There may still be some scholarships available.

Board members all agreed that the *New West* articles have been interesting.

### **Planning Office Report**

- ✚ Was the TMDL meeting with DEQ informational? *Charity reported that it was. It was a good overview, but DEQ is looking for guidance too. We need to make suggestions to them.*
- ✚ Could we request that DEQ look at all divisions of land and septic requests? *The County Sanitarian does the over 20 acres parcels and follows State Law in doing so.*
- ✚ The Commissioners have asked Charity to do an analysis of a building permit process. This could cause us to have a couple of extra people in the department.
- ✚ There will be a joint County Commissioner/Planning Board training day in Sheridan on March 14, 2008 at Bethany Hall. It will include an informational meeting with MaCO land use attorney Myra Shults. She will speak to “ex parte” discussions and the duties of Planning Board members and communicating with the public. It is to be called “Heads Up Three”. It would go from 9:00 a.m. until 4:00 p.m.

**The meeting adjourned at 9:30 p.m. The next meeting is scheduled for February 25, 2008.**

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**Ann Schwend, President**

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**Marilee Foreman-Tucker, Secretary**